



# City of Santa Barbara

## HLC Ordinance (Excerpt)

### CHAPTER 22.22 HISTORIC STRUCTURES\*

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It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, perpetuation and use of structures, natural features, sites and areas within the City of Santa Barbara having historic, architectural, archaeological, cultural or aesthetic significance is required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. The purpose of this chapter is to:

A. Safeguard the heritage of the City by providing for the protection of landmarks representing significant elements of its history;

B. Enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within landmark districts reflecting unique and established architectural traditions;

C. Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;

D. Strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists and visitors;

E. Promote the private and public use of landmarks and landmark districts for the education, prosperity and general welfare of the people;

F. Stabilize and improve property values within the City;

G. Undertake the identification, inventory, and consideration of those structures, sites and natural features within the City which may merit designation as a City Historic Resource in accordance with the Historic Resource criteria established by state Public Resource Code Section 5024.1, as it is presently enacted or hereinafter amended. (Ord. 5333, 2004; Ord. 3900 §1, 1977.)

## **22.22.020 Definitions.**

Unless the context requires a different meaning, the words and phrases used in this chapter are defined as follows:

A. "ADOBE." An unburnt, sun-dried, clay brick; or a building made of adobe bricks.

B. "ADVISORY MEMBER." An Honorary Member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.

C. "ALTERATION." An exterior change or modification. For the purposes of this chapter, an alteration shall include, but not be limited to, exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, a structural addition, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

D. "ARCHAEOLOGICAL." Pertaining to the scientific study of the life and culture of earlier peoples by excavation of sites and relics.

E. "ARCHITECTURAL." Pertaining to the science, art or profession of designing and constructing buildings.

F. "CEQA." The "California Environmental Quality Act" as codified at state Public Resources Code §§ 21000 et seq. and the approved Administrative Guidelines related thereto as established in the California Code of Regulation, Title 14, Chapter 3, §§ 15000-15387.

G. "COMMISSION." Historic Landmarks Commission established by City Charter.

H. "COUNTY ASSESSOR." The Tax Assessor of the County of Santa Barbara.

I. "CULTURAL." Pertaining to the concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.

J. "DEMOLITION." The permanent removal from a structure of either a significant component or a character defining element, as may be determined by the Historic Landmarks Commission or where appropriate, by the Community Development Director. Demolition shall include, but not be limited to, the act of pulling down, destroying, removing, relocating or razing a structure or commencing the work thereof with the intent of completing the same.

K. "ELEVATIONS." The flat scale orthographic projected drawings of all exterior vertical surfaces of a building.

L. "FAÇADE." The front of a building or the part of a building facing a street, courtyard, etc.

M. "HISTORIC RESOURCE." A City designated "Landmark" or a City designated "Structure of Merit."

N. "HISTORIC RESOURCE SURVEY." A field investigation of structures, sites, or natural features within a certain designated area or neighborhood of the City made by the City for the purpose of identifying potential City Historic Resources.

O. "LANDMARK." A structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark under the provisions of this chapter.

P. "LANDMARK DISTRICT." An area of the City of Santa Barbara containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark district under the provisions of this Chapter.

Q. "MEMBER." A member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.

R. "NATURAL FEATURE." A tree, plant life or geological or other distinctive physical characteristic or natural feature or element present on the real property.

S. "NEIGHBORHOOD." An area of the City of Santa Barbara designated as such in the City's General Plan.

T. "OWNER." A person, association, partnership, firm, corporation or public entity appearing as the holder of legal title to any property on the last assessment roll of the County Assessor.

U. "POTENTIAL HISTORIC RESOURCES LIST." A list consisting of those structures, real property sites, or real property natural features which have been identified by the Historic Landmarks Commission as being a potentially significant historic resource as such identification process is provided for in Section 22.22.030 hereof. V. "PRESERVATION EASEMENT." An interest held by the public in any structure, natural feature, site or area not owned by the public and restricting its use, alteration, relocation or demolition for the purpose of preservation.

W. "SITE PLAN." A flat scale drawing of the place where something is, is to be, or was located.

X. "STRUCTURE." A building or any other man-made object affixed on or under the ground.

Y. "STRUCTURE OF MERIT." A structure not designated as a landmark but deserving official recognition as having historic, architectural, archaeological, cultural or aesthetic significance and designated as a Structure of Merit under the provisions of this Chapter. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3904 §8, 1977; Ord. 3900 §1, 1977.)

**22.22.030      The Preparation and Use of Historic Resource Surveys; Identification of Potential Historic Resources for Possible Designation as a City Landmark or a Structure of Merit.**

A. POTENTIAL HISTORIC RESOURCES LIST. The Historic Landmarks Commission, acting with the administrative support of Community Development Department staff, shall periodically review, amend, and maintain a master list of potential Historic Resources within the City (The City's "Potential Historic Resources List") as part of the certified Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites (hereinafter the "MEA Historic Resources Guidelines") as such Guidelines are defined and provided for in CEQA Guideline Section 15169.

**B. SURVEYS AND IDENTIFICATION OF POTENTIAL HISTORIC RESOURCES.**

1. Use of Historic Resource Surveys. The Community Development Director shall prepare, administer, and implement regulations for undertaking and completing Historic Resource Surveys within certain designated areas and neighborhoods of the City of Santa Barbara on a regularly scheduled basis for the purposes of identifying possible Historic Resources pursuant to the mandate of Subsection (A)

above for the listing of such resources on the Potential Historic Resources List. Such Historic Resource Surveys shall be conducted in a manner consistent with the requirements of the City's MEA Historic Resources Guidelines and with appropriate survey regulations as approved by resolution of the City Council. The Historic Resource Surveys shall also be undertaken in accordance with locational priorities established by the Commission for certain areas and neighborhoods of the City, subject only to the necessary direction and budgetary approval of the City Council.

2. Initial Survey Study Area Designation. The area of the City shown on the "2004 Demolition Review/Historic Resources Survey Study Area" as shown on the map denominated the "2004 Demolition Review/ Historic Resources Survey Study Area," attached hereto as a Chapter exhibit (dated as of the effective date of the ordinance approving this amendment), shall be the first area of the City designated for neighborhood Historic Resource Surveys pursuant to the requirements of Subsection (B)(1) above.

3. Administrative Review of Existing Potential Historic Resources List. Upon the adoption of the ordinance making this amendment to Chapter 22.22, the Community Development Director, acting through the City's Urban Historian or other appropriate designated staff, is hereby directed to undertake an administrative review of each of the properties, buildings, structures, and real property features which were heretofore listed on the City's Potential Historic Resources List, as such List was attached as an appendix to the City's Master Environmental Assessment Historic Resources Guidelines as approved by action of the City Council in January 2002. This administrative review shall be completed within two (2) years of the adoption of the ordinance amending this Chapter and shall, within one hundred twenty (120) days of its completion, result in the submission to the HLC of a proposed revised Potential Historic Resources List consistent with the provisions of this Chapter for consideration and appropriate revisions, and its approval by the HLC at a noticed public hearing conducted in accordance with the processes set forth in subsection (E) and subsection (F) hereof.

C. IDENTIFICATION OF POTENTIAL RESOURCES BY COMMISSION MEMBERS. In addition to the identification of potential Historic Resources through the use of Historic Resource Surveys pursuant to subsection (B) above, a member of the Commission may identify a structure, a real property site, or a natural feature which, in the Commissioner's opinion, may qualify for possible inclusion on the City's Potential Historic Resources List. Any such identification may be made by the filing of a written request for the listing of the structure, site, or natural feature as a Potential City Historic Resource pursuant to the provisions of this Section. Such written request shall state in detail the reasons the Commissioner believes that such a listing is appropriate and shall be made in accordance with the criteria for listing as a Potential Historic Resource established in the MEA Historic Resources Guidelines.

D. LISTING OF STRUCTURES, SITES, AND NATURAL FEATURES ON THE CITY'S POTENTIAL HISTORIC RESOURCES LIST.

1. Use of Survey Identifications. Those structures, real property sites, or natural features identified through the survey process established by Subsection (B) hereof as having potential for designation as a City Historic Resource shall be considered and acted upon by the Commission for official listing on the City's Potential Historic Resources List at a noticed hearing conducted in accordance with subsection (E) below held not more than one year after the identification of the structure, real property site, or feature through the completion of the Survey process for that area of the City.

Pending a hearing on possible listing initiated pursuant to this subsection (D), the Community Development staff may arrange for the preparation of an expert Historic Structure/Site Report regarding the possible Historic Resource significance of the structure, site, or feature. Such report shall be prepared in accordance with the requirements of the MEA Historic Resources Guidelines.

The failure of the Commission to list an identified structure, site or feature within the one year time frame required by this subsection shall constitute a determination by the Commission that the structure, site, or feature is not appropriate for listing on the City's Potential Historic Resources List,

unless a delay beyond one year is at the specific written request of the owner of the real property being considered for listing.

2. Commissioner Historic Resource Identification Requests. Those structures, real property sites, or natural features identified as a result of a Commissioner request as having a potential for designation as City Historic Resources pursuant to Subsection (C) above shall be considered and acted upon by the Commission for listing on the Potential Historic Resources List at a noticed hearing conducted in accordance with subsection (E) below held not more than one hundred twenty (120) days after the date of the filing with the Community Development Director of the written request by a Commissioner pursuant to subsection (C) hereof. Pending a hearing on a possible listing initiated pursuant to this subsection, the Community Development staff may request the preparation of a report prepared by the City's Urban Historian regarding the possible Historic Resource significance of the site, structure, or feature.

The failure of the Commission to list a structure, site, or feature identified by a Commissioner as having a potential for designation within the one hundred twenty (120) day time frame required by this subsection shall constitute a determination by the Commission that the structure, site, or feature is not appropriate for listing on the City's Potential Historic Resources List unless a delay beyond one hundred twenty (120) days is at the specific written request of the owner of the real property being considered for listing.

3. Use of Historic Structure/Site Report Obtained in Connection with HLC Review. Those structures, real property sites, or natural features identified as a result of a Historic Structure/Site Report obtained either in connection with HLC review occurring pursuant to the landmark district requirements of Section 22.22.130 or Section 22.22.140 (or obtained in connection with environmental review of a proposed new development conducted in accordance with the requirements of the City MEA Historic Resource Guidelines) as having the potential for designation as City Historic Resources shall be considered and acted upon by the Commission for listing on the Potential Historic Resources List. Such consideration shall occur at a Commission hearing held concurrent and in accordance with the landmark district hearing process required by Section 22.22.130 or concurrent with HLC final comment review of the submitted Historic Structure/Site Report scheduled in accordance with the process established for such HLC comments in the MEA, as the case may be.

E. PUBLIC HEARING PROCESS FOR POSSIBLE LISTING. Prior to conducting the noticed hearing required by subsection (D)(1) or (D)(2) above for the listing of an identified structure, site, or natural feature, the owner(s) of the real property upon which the structure or feature is located (as such ownership is listed on the last equalized County of Santa Barbara Tax Assessment Roll) shall be provided with written notice of the Commission's hearing by depositing a notice thereof in the regular United States Mail not less than sixty (60) days prior to the scheduled hearing date, unless the owner consents in writing to a lesser period of time. Such notice shall, at a minimum, contain the notice information required by state Government Code Section 65094, [as currently enacted or hereinafter amended].

At the Commission hearing to consider the listing, the property owner [or owner's representative] and City staff shall be entitled to present any relevant evidence, both oral and written, to establish whether the structure, site or natural feature has appropriate potential for designation as a City Historic Resource.

F. APPEAL OF LISTING DETERMINATION TO THE CITY COUNCIL. A decision by the Commission to list a structure, site, or feature on the City's Potential Historic Resources List may be appealed to the City Council in accordance with the appeal procedures established in Santa Barbara Municipal Code Chapter 1.30.

G. ADMINISTRATIVE REGULATIONS RELATING TO THE PRESERVATION OF CITY HISTORIC RESOURCES. The City Community Development Director shall prepare administrative regulations relating to the proper completion of Historic Surveys, the method of listing of Potentially Historic Resources and the appropriate process for evaluating measures intended to protect and preserve identified potentially Historic Resources, and such administrative regulations shall be approved by a

resolution of the City Council adopted concurrently with the ordinance effectuating this amendment to Santa Barbara Municipal Code Chapter 22.22. (Ord. 5333, 2004.)

**22.22.035 Demolition Applications Within a Survey Area.**

A. PROPOSED DEMOLITION OF AN OLDER UNSURVEYED STRUCTURE, FEATURE OR SITE. An application for a building permit to alter a structure, site, or natural feature within the area denominated as the “2004 Demolition Review/Historic Resources Survey Study Area” (or within any other survey area which may subsequently be established by the City Council pursuant to this Chapter) shall be referred to the Community Development Director for a determination of whether the structure, site, or feature may have potential as a City Historic Resource in accordance with the criteria established in this Chapter and for a determination of whether the alteration work proposed in the permit application could constitute a “demolition” as that term is defined by this Chapter.

B. ADMINISTRATIVE RESOURCE EVALUATIONS. If, under Section (A) above, the site, structure, or feature proposed for demolition (as determined by the Community Development Director in accordance with definition in this Chapter) has not yet been surveyed and it is determined, through the use of City records, that the structure or feature is in excess of fifty years of age, the Community Development Director shall request that an administrative historic resource evaluation be prepared by the City Urban Historian (or other appropriate City staff person designated by the Director). This evaluation shall be for the purposes of assessing the potential historic resource significance of the structure, site, or feature prior to its demolition. In addition, the purpose of the administrative historic resource evaluation shall be to determine whether it is appropriate to obtain an Historic Structure/Site Report in order to assist the Commission in determining whether the structure, site, or feature should be considered by the Commission for designation as a City Historic Resource pursuant to this Chapter.

C. COMPLETION OF THE ADMINISTRATIVE EVALUATION - ACTION ON EVALUATIONS.

1. Timeframe for Administrative Evaluation – Failure to Complete. The administrative Historic Resource evaluation required by Subsection (B) above shall be completed within thirty (30) calendar days of the date of an applicant’s request for a permit to demolish a structure or natural feature or site within a survey area. Absent the written consent of the property owner, the failure to complete such an administrative evaluation within the required thirty (30) day period shall be deemed a determination that the structure, feature, or site has no potential as a City Historic Resource, and thereafter, the City shall issue the requested demolition permit on a ministerial basis, provided that the applicant/owner has otherwise complied with applicable City building/demolition permit submittal requirements for such a demolition.

2. Determination of No Potential Historic Significance. If the administrative Historic Resource evaluation determines in a timely fashion under this Section that the structure, feature, or site has no significant potential as an Historic Resource, the City shall issue the requested demolition permit on a ministerial basis, provided the applicant has otherwise complied with any other applicable City building/demolition permit submittal requirements for such a demolition.

3. Determination of Potential Historic Significance. If the administrative Historic Resource evaluation determines that a structure, site, or a natural feature has potential as a City Historic Resource, the Community Development Director shall refer the requested demolition permit for full discretionary review by the Commission and for a concurrent determination by the Commission concerning the possible designation of the structure, site, or feature as a City Historic Resource. Such a Commission hearing shall be conducted pursuant to the hearing requirements of subsection (D) below and shall occur within the time frame set forth therein.

Upon completion of an Administrative Evaluation which indicates that the structure, site or feature may have potential as a City Historic Resource, and pending a Commission hearing on the issuance of the demolition permit or the possible designation of the structure, site, or feature, the

Community Development Director shall require the applicant, at the applicant's expense, to obtain and submit a professional report on the possible Historic Resource significance of the structure, site, or feature for which the demolition permit application has been made. Such a report shall be prepared in accordance with the requirements of the MEA Historic Resource Guidelines and shall be made available to the Commission for consideration at its scheduled hearing on the permit request and possible designation.

**D. COMMISSION PUBLIC HEARING PROCESS FOR DEMOLITION APPLICATIONS AND POSSIBLE LISTING OR DESIGNATION.**

1. Complete Demolitions. For those demolition applications referred to the Commission pursuant to the requirements of subsection (C)(3) above which, in the opinion of the Community Development Director, constitute the complete demolition of a possibly historic structure or of a site feature, the demolition permit request shall be scheduled at the Commission for a hearing on the demolition permit application in accordance with this Section concurrently with a duly noticed hearing to allow the Commission to initiate a recommendation to the City Council to designate the structure or feature as a City Landmark pursuant to Section 22.22.050 of this Chapter.

The Commission hearing shall be scheduled within sixty (60) days of the completion of and submission to the City of the owner's Historic Resource Report required by subsection (C)(3) above, as such completion shall be certified in writing by the Community Development Director. The applicant/owner shall be provided with not less than fifteen (15) days prior written notice of the Commission hearing, which notice shall contain the information required by state Government Code Section 65094, as currently enacted or hereinafter amended, provided that such notice period may be less with the owner's specific written consent.

At the Commission hearing, the applicant/owner and City staff shall be entitled to present all relevant evidence, both oral and written, to establish whether a demolition permit should be issued for the structure, site or feature and to establish whether the structure, site, or feature should or should not be recommended for designation as a City Landmark.

In deciding whether to approve the issuance of a demolition permit pursuant to this subsection (D)(1), if the Commission determines that the demolition permit should be issued, the Commission may also impose those historic preservation mitigation measures in connection with the issuance of the demolition permit that the Commission deems appropriate.

If the Commission declines to issue the requested demolition permit, the Commission shall concurrently act to adopt a resolution of intention initiating the possible designation of the structure, site or feature as a City Landmark to the City Council pursuant to the Landmark designation provisions of Section 22.22.050 of this Chapter.

2. Partial Demolitions. For those permit applications referred to the Commission pursuant to the requirements of subsection (C)(3) above which, in the opinion of the Community Development Director, constitute the removal or demolition of a significant component or character-defining element of a possibly historic structure, site, or feature (hereinafter referred to as a "partial demolition"), the permit request shall be scheduled at the Commission for a hearing on the application in accordance with this subsection (D)(2) concurrently with a duly noticed hearing to allow the Commission to also decide among the following options: 1. the listing of the structure, site, or feature as a Potential Historic Resource, or 2. its designation by the Commission as a City Structure of Merit, or 3. a recommendation to the City Council to designate the structure, site, or feature as a City Landmark pursuant to this Chapter.

The Commission hearing shall be scheduled within sixty (60) days of the completion of and submission to the City of the owner's Historic Resource Report required by subsection (C)(3) above, as such completion shall be certified complete by the Community Development Director. The applicant/owner shall be provided with not less than fifteen (15) days prior written notice of the Commission hearing, which notice shall contain the information required by state Government Code

Section 65094, as currently enacted or hereinafter amended provided that such notice period may be less with the owner's specific written consent.

In deciding whether to approve the City's issuance of a building permit for a partial demolition pursuant to this subsection (D)(2), if the Commission decides that the permit may be issued, the Commission may impose appropriate historic preservation mitigation measures in connection with the issuance of the permit and may also elect to list the altered structure, site, or feature as a Potential City Historic Resource or to designate it as a Structure of Merit or to recommend its designation as a City Landmark by the City Council pursuant to the designation requirements of this Chapter.

When deciding an application for a permit for a partial demolition pursuant to this subsection (D)(2), if the Commission declines to issue such a permit altogether, it shall concurrently act to either designate the structure, site, or feature as a City Structure of Merit or to adopt a resolution of intention recommending its designation as a City Landmark by the City Council pursuant to the Landmark designation requirements of this Chapter.

In considering whether to designate the structure, site or feature a City Landmark, the City Council, if it elects not to designate the structure, site, or feature as a City Landmark, may approve the issuance of the requested permit with those historic preservation mitigation measures deemed appropriate by the Council, which conditions may include the designation of the altered structure as a Structure of Merit.

E. FAILURE TO ACT WITHIN A TIMELY MANNER. Should the Commission fail to act to designate a structure, site, or feature for which a demolition application has been made and deemed complete and which has been referred to the Commission pursuant to subsection (C)(3) of Section 22.22.035 above as a Structure of Merit, or should the Commission fail to recommend the City Council designate a structure, site or feature as a City Landmark as required by this Section, the demolition application shall be deemed approved and shall be issued by City staff without additional conditions except those related to compliance with other Municipal Code requirements. (Ord. 5333, 2004.)

#### **22.22.037 Demolition of a Listed Historic Structure.**

A. GENERALLY. No building permit shall be issued for the demolition (as defined in this Chapter) of a structure, site, or natural feature listed on the City's Potential Historic Resources List except upon the completion of a review of the application by the Commission and except upon the imposition of appropriate and necessary measures designed by the Commission to mitigate any potential for loss of Historic Resources.

Such Commission review shall be conducted in accordance with the resource preservation criteria and process established in the MEA Historic Resource Guidelines.

B. AUTHORITY TO PROHIBIT THE DEMOLITION OF A POTENTIAL CITY HISTORIC RESOURCE. The Commission may appropriately condition the demolition or partial demolition of a structure, site, or natural feature listed on the Potential Historic Resources List as necessary to mitigate the potential loss of Historic Resources resulting from the demolition or partial demolition. However, the Commission may not deny an application to partially or completely demolish a listed structure, natural feature, or site unless the Commission undertakes one of the following actions: 1. initiates and completes the designation of the structure, natural feature, or site as a City Structure of Merit, or 2. the Commission adopts a resolution of intention recommending the designation of the structure, site, or feature as a City Landmark to the City Council pursuant to the Landmark designation processes and notice requirements established by this Chapter.

C. FAILURE OF THE COMMISSION TO DESIGNATE IN A TIMELY FASHION; STANDARD DEMOLITION CONDITIONS. The failure of the Commission to make a Structure of Merit designation (or to initiate a Landmark designation to the City Council in the case of a Landmark) in connection with the denial of a partial or complete demolition application for a structure, feature, or site covered by this



Section within sixty (60) days of the completion of the City's environmental review of the application shall be deemed an approval of the permit without permit conditions concerning the mitigation of the loss of Historic Resources, except for those standard mitigation measures identified in the MEA Historic Resource Guidelines as being appropriate for the loss of a listed structure, site, or feature, and except for those conditions necessary for compliance with other Municipal Code building permit requirements.

**D. MINOR ALTERATIONS TO POTENTIAL HISTORIC RESOURCES.** Notwithstanding subsection (A) hereof, nothing herein shall be deemed to require HLC review of all building permit applications for alterations to a property listed on the Potential Historic Resources List except for those alterations which otherwise require the issuance of a building permit and which, in the determination of the Community Development Director, constitute a "demolition" as that term is defined in this Chapter.

In addition, certain exterior alterations to a potentially significant Historic Resource (as listed on the Potential Historic Resources List) which require the issuance of a building permit may be approved by the Community Development Director on an administrative basis pursuant to the processes established in Section 22.22.030(G) [the Historic Resource Administrative Regulations] if, in the prior written determination of the Community Development Director, the proposed alteration will not substantially and adversely alter the structure's appearance or remove a character-defining feature of the structure, site or natural feature. Such administrative review shall be in the sole discretion of the Community Development Director and, if necessary, may be referred to the HLC for a determination of whether any particular application may constitute a substantial and adverse alteration to the structure, site, or feature necessitating formal review of the application by the HLC. (Ord. 5333, 2004.)

#### **22.22.040 Criteria for Designation of Landmarks and Structures of Merit.**

In considering a proposal to recommend to the City Council any structure, natural feature, site or area for designation as a Landmark or, in designating a City Structure of Merit, the Commission shall utilize any or all of the following criteria and considerations:

A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;

B. Its location as a site of a significant historic event;

C. Its identification with a person or persons who significantly contributed to the culture and development of the City, the State or the Nation;

D. Its exemplification of a particular architectural style or way of life important to the City, the State or the Nation;

E. Its exemplification of the best remaining architectural type in a neighborhood;

F. Its identification as the creation, design or work of a person or persons whose effort has significantly influenced the heritage of the City, the State or the Nation;

G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship;

H. Its relationship to any other landmark if its preservation is essential to the integrity of that landmark;

I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

J. Its potential of yielding significant information of archaeological interest;

K. Its integrity as a natural environment that strongly contributes to the well-being of the people of the City, the State or the Nation. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3900 §1, 1977.)

**22.22.050 Procedure for Designation of a Landmark.**

Upon its own initiative or upon the application of any person or entity (hereinafter referred to as the "applicant") the Commission may recommend to the City Council the designation as a landmark of any structure, natural feature, site or area (hereinafter referred to as the "property") having historic, architectural, archaeological, cultural or aesthetic significance. The procedure for designation of any landmark is as follows:

A. The Commission may adopt a resolution of intention announcing its intention to consider recommendation of the property to the City Council for designation as a landmark.

B. No later than thirty-five (35) days from the date of such resolution of intention, the Commission shall conduct a public hearing on the proposed designation, at which hearing any interested party shall be provided a reasonable opportunity to be heard. In the absence of timely oral or written objection by any interested party, such public hearing may be continued to subsequent meetings of the Commission.

C. Prior to the Commission's public hearing on the proposed designation, notice of the time, place and purpose of the hearing shall be given at least ten (10) days prior to the date of the hearing by publication at least once in a newspaper of general circulation within the City, and, at least ten (10) days prior to the date of the hearing, by first class mail to the applicant, to the owner or owners of the property, and to the owners of abutting properties, as the ownership of such properties is listed on the last equalized assessment roll for the County of Santa Barbara.

D. Upon the completion of the properly noticed public hearing on the proposed designation, the Commission shall adopt a resolution to either recommend designation of the property as a landmark or to deny such a designation, no later than the next regularly scheduled meeting following the public hearing. However, in the absence of timely oral or written objection by any interested party, adoption of any such resolution may be continued to subsequent meetings of the Commission. The resolution shall be reduced to writing and shall contain specific findings by the Commission to recommend the designation or to deny the designation, as the case may be. Upon adoption of a resolution to deny recommendation, consideration of the proposal for designation shall terminate in the absence of a timely appeal to the City Council.

E. After receipt of a resolution of recommendation for designation from the Commission, the City Council shall consider the recommendation pursuant to Section 22.22.055.

F. An appeal from a decision rendered by the Commission under Section 22.22.050.D may be filed pursuant to Section 22.22.170. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3900 §1, 1977.)

**22.22.055 Procedure for Resolution of Designation of a Landmark by City Council.**

A. PROCEDURE FOR ADOPTION OF RESOLUTION OF DESIGNATION. Upon receipt of a resolution of recommendation for designation from the Historic Landmarks Commission or an appeal of a denial in accordance with the requirements of Section 22.22.170, and after completion of a public hearing in accordance with the following procedures, the City Council may designate any structure, natural feature, site or area as a Landmark by adopting a resolution of designation as follows:

1. At its next regular City Council meeting for which an agenda has not been finalized, the City Council shall set a date for a public hearing thereon to consider the Commission's resolution of recommendation or an appeal of a resolution of denial.

2. Notice of the time, place and purpose of the hearing shall be given at least ten (10) days prior to the date of the hearing by publication at least once in a newspaper of general circulation within the City and by first class mail to any applicant, the owner or owners of the property, and to abutting property owner(s) as such ownership is listed on the last equalized assessment roll for Santa Barbara County.

3. A public hearing on the recommendation for designation shall be held on the date designated, at which hearing any interested party shall be provided a reasonable opportunity to be heard.

4. Upon the City Council's adoption of a resolution of designation as a Landmark, the City Clerk shall cause such resolution of designation to be recorded against the property in the Office of the Recorder of the County of Santa Barbara within sixty (60) days of the City Council's adoption of the resolution of designation.

B. FAILURE TO ADOPT WITHIN NINETY (90) DAYS. If the City Council does not act to adopt a resolution of designation within ninety (90) days after a resolution of recommendation of designation from the Historic Landmarks Commission is received by the City Clerk, designation of the property as a landmark shall be deemed to be denied. (Ord. 5333, 2004; Ord. 4848, 1994.)

#### **22.22.070 Repair and Maintenance of Landmarks and Structures of Merit.**

Every Landmark and Structure of Merit shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this chapter shall be construed so as to prohibit ordinary and necessary maintenance and repair of a Landmark provided that whenever such repair or maintenance would result in an alteration to the exterior of the structure or whenever it would require the issuance of a City building permit, the issuance of such a permit shall be reviewed by the Commission and, if necessary, conditioned in accordance with the requirements of this Chapter, provided that such review shall be consistent with the Landmark alteration review authority granted by Section 817(c) of the City Charter and Section 22.22.080 hereof. Every Landmark or Structure of Merit is hereby determined to be eligible for application of alternative standards for historical structures as provided in the Building Codes of the City of Santa Barbara. (Ord. 5333, 2004; Ord. 3900 §1, 1977.)

#### **22.22.080 Demolition, Relocation, or Alteration of a Landmark.**

A. ALTERATIONS TO A CITY LANDMARK – REQUIRED FINDINGS. No City Landmark shall be altered on the exterior, relocated, or demolished, except where the Historic Landmarks Commission has determined that one or more of the following findings are applicable to the proposed alteration, relocation, or demolition:

1. The exterior alterations are being made primarily for the purposes of restoring the Landmark to its original appearance or in order to substantially aid in the preservation or enhancement of the Landmark.

2. The relocation of the Landmark will substantially aid its long-term preservation or enhancement.

3. The landmark has been damaged by an earthquake, fire, or other similar natural casualty such that its repair or restoration is not reasonably practical or feasible and specific measures have been imposed as pre-conditions on the demolition, which measures mitigate the loss of the Landmark to a less than significant level or which measures are deemed sufficient to warrant a finding of overriding considerations pursuant to the CEQA.

B. ISSUANCE OF AN APPROVAL FOR THE RELOCATION, DEMOLITION, OR ALTERATION OF A CITY LANDMARK. In issuing an approval for the alteration of a City Landmark pursuant to this Section, the Commission shall make one or more of the findings required by Subsection (A) hereof in addition to imposing mitigation measures as conditions of approval consistent with such findings.

C. ALTERATIONS TO A PROPOSED LANDMARK. No structure, natural feature, or site recommended for designation as a Landmark pursuant to Section 22.22.050 hereof shall be altered on the exterior, relocated, or demolished after adoption by the Commission of a resolution of intention for such designation, except pursuant to the requirements of this Section.

D. APPEALS TO THE CITY COUNCIL. A final decision made by the Historic Landmarks Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Santa Barbara Municipal Code Chapter 1.30. Any decision by the City Council on appeal pursuant to this Section shall comply with the finding requirements of Subparagraph (A) hereof as well as the applicable requirements and provisions of the California Environmental Quality Act. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 4029, 1979; Ord. 3900 §1, 1977.)

**22.22.085 Designation of Structures of Merit.**

A. DESIGNATIONS. The City has established the Structure of Merit designation in order to encourage the preservation of the City's historic and architecturally significant structures, sites, or features under circumstances where such buildings and sites do not rise to the level of a City Landmark. The Commission may designate as a Structure of Merit any structure not designated as a Landmark but deserving of official City recognition as having historic, architectural, archaeological, cultural or aesthetic significance.

B. CRITERIA FOR STRUCTURE OF MERIT DESIGNATION. In considering a proposal for designation of a Structure of Merit, the Commission shall apply the considerations and criteria provided for Landmarks in Section 22.22.040 of this Chapter. Some of the determining factors in the appropriateness of a Structure of Merit designation rather than a City Landmark designation are the following: 1. the amount of eligibility criteria found applicable; 2. the level of original structural or historical integrity of the Historic Resource; and, 3. the quality or number of resources of this type remaining within the City.

C. NOTICE OF INTENT TO DESIGNATE A STRUCTURE OF MERIT. Except for those structures, sites or features designated Structures of Merit pursuant to the demolition regulations of Section 22.22.035 and Section 22.22.037, prior to taking action to designate a structure as a City Structure of Merit, the Commission shall adopt a resolution of intention announcing its intention to consider such a designation at a hearing to be held not less than seventy five (75) days after the adoption of the Resolution, unless the owner of the property proposed for designation consents in writing to a lesser period of notice. Prior to conducting the public hearing required by this subsection for the designation of an identified structure, site, or feature, the owner(s) of the real property upon which the structure or feature is located (as such ownership is listed on the last equalized County of Santa Barbara Assessment Roll) shall be provided with a copy of the Commission resolution and a written notice of the Commission hearing by depositing a notice thereof in the regular United States Mail not less than sixty (60) days prior to the scheduled hearing date. Such notice shall, at a minimum, contain the notice information required by state Government Code Section 65094, as currently enacted or hereinafter amended.

D. HEARING OF STRUCTURE OF MERIT DESIGNATION. At the scheduled Commission hearing, the property owner or owner's representative and the City staff shall be entitled to present relevant evidence, both oral and written, to establish whether the structure has appropriate potential for possible designation as a City Historic Resource. Upon completion of the public hearing, the Commission shall vote to adopt or to not adopt a resolution of the Commission designating the structure, site or feature as a City Structure of Merit.

E. APPEALS TO THE CITY COUNCIL. A final decision made by the Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Santa Barbara Municipal Code Chapter 1.30.

F. RECORDATION OF RESOLUTION OF DESIGNATION. Upon the Commission's adoption of a resolution of designation as a City Structure of Merit (or upon a final decision of the City Council on an appeal of such a designation), the Community Development Director shall cause such resolution of designation to be recorded with respect to the real property thereof in the Office of the Recorder of the

County of Santa Barbara within sixty (60) days of the Commission's adoption of the resolution of designation. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3900 §1, 1977.)

**22.22.090 Demolition, Relocation, or Alteration of a Structure of Merit.**

A. ALTERATIONS TO A STRUCTURE OF MERIT – REQUIRED FINDINGS. No Structure of Merit shall be altered on the exterior, relocated, or demolished except where the Historic Landmarks Commission has made one or more of the following findings:

1. The exterior alterations are being made for the purposes of restoring the Structure of Merit to its original appearance or in order to substantially aid its preservation or enhancement as a Historic Resource.

2. The relocation of the Structure of Merit will substantially aid in its long-term preservation or enhancement as a Historic Resource.

3. The Structure of Merit has been damaged by an earthquake, fire, or other similar casualty such that its repair or restoration is not reasonably practical or economically feasible and specific measures have been imposed as pre-conditions on the demolition or alterations, which measures mitigate the potential for adverse historic resource impacts resulting from loss of the Structure to a less than significant level or which measures are sufficient to warrant a finding of overriding considerations pursuant to the CEQA.

4. The Commission has determined that the preservation of the Structure of Merit is not economically feasible or that the demolition of a Structure of Merit is warranted in order to avoid or lessen the economic hardship to the Owner, and the Commission has conditioned the issuance of a City demolition permit upon specific measures which will mitigate the potential for adverse historic resource impacts resulting from the demolition of the Structure of Merit to a less than significant level or such measures are sufficient to warrant a finding of overriding considerations pursuant to the CEQA.

5. The Commission has determined that the proposed changes to the Structure of Merit do not constitute a demolition as defined by this Chapter and constitute alterations which are not incompatible with the goal of long-term preservation or enhancement of the Structure as a City Historic Resource.

B. ISSUANCE OF PERMITS FOR RELOCATION, DEMOLITION, OR ALTERATION OF A CITY STRUCTURE OF MERIT. An application for a permit to alter on the exterior, relocate, or demolish any City Structure of Merit shall be referred to the Historic Landmarks Commission for its review, approval, approval with conditions, or denial prior to the issuance of such a permit along with any environmental review deemed appropriate under CEQA. Such Commission review, in addition to determining that the proposed changes are appropriate and compatible with the historic resource, shall be for the purposes of determining the potential for loss of resources of historic significance and be conducted in the manner provided for in the City's MEA Historic Resource Guidelines and the California Environmental Quality Act. In issuing such a permit, the Commission shall make one or more of the findings required by subsection (A) hereof.

Should the Commission deny the issuance of a demolition permit for a Structure of Merit, concurrent with such a denial, the Commission shall initiate the procedures called for in SBMC Section 22.22.050 to adopt a resolution of intention announcing its intention to make a recommendation that the site, structure or feature be designated a City Landmark and forwarding such resolution of recommendation to the City Council for action by the Council in accordance with this Chapter.

C. APPEALS TO THE CITY COUNCIL. A final decision made by the Historic Landmarks Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Santa Barbara Municipal Code Chapter 1.30. Any decision by the City Council on appeal pursuant to this Section shall comply with the finding requirements of Subparagraph (A) hereof as well as the applicable requirements and provisions of the California Environmental Quality Act.

D. DENIAL OF A DEMOLITION PERMIT BY THE CITY COUNCIL. In the event that the City Council, on an appeal pursuant to subsection (C) hereof, declines to authorize the issuance of a demolition permit for a Structure of Merit (either with or without mitigating conditions), the Council shall, within forty five (45) days of such a Council determination, adopt a Resolution of Intention announcing its intention to designate such Structure of Merit as a City Landmark in accordance with the Landmark designation requirements of this Chapter and, thereafter, to preclude its demolition except under the limited circumstances of Section 22.22.080.

Should the City Council fail to act to designate the structure, site, or feature as a City Landmark within the time period required by Section 22.22.055, a demolition permit shall be issued within thirty (30) days of the expiration of the time within which the Council may act, provided that prior to the Building Official's issuance of such a permit, appropriate mitigation conditions (and as determined by environmental review) may be imposed on the permit by the City Building Official as such conditions may be recommended to the Official by the Commission during the thirty (30) day period. (Ord. 5333, 2004.)

**22.22.092 Bed and Breakfast Inns in Designated Historic Structures.**

Plans for conversion of an existing Structure of Merit or a Landmark in the R-O Restricted Office Zone into a Bed and Breakfast Inn, or for alterations to such structures for this purpose, or for construction of new structures to be used for this purpose on a lot on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is located, shall be submitted to the Historic Landmarks Commission for review and action, in accordance with this chapter. (Ord. 4848, 1994; Ord. 4697, 1991.)

**22.22.100 El Pueblo Viejo Landmark District.**

A. PURPOSE. The purpose of the El Pueblo Viejo Landmark District is to preserve and enhance the unique historic and architectural character of the central core area of the City of Santa Barbara, which developed around the Royal Presidio, founded in 1782, and which contains many of the City's important historic and architectural landmarks. In addition to the preservation of those landmarks as provided in this chapter, that purpose is to be achieved by regulating the compatibility of architectural styles used in the construction of new structures and the exterior alteration of existing structures within a designated area, which includes the scenic entrances to the central core area of the City, in order to continue and perpetuate the City of Santa Barbara's renowned tradition of Hispanic architecture.

B. DESIGNATION. The following described area within the City of Santa Barbara is hereby designated as a landmark district and shall be known as "El Pueblo Viejo":

**Part I**

Beginning at the intersection of State Street with Mission Street; thence southeasterly along State Street to its intersection with Sola Street; thence northeasterly along Sola Street to its intersection with Laguna Street; thence southeasterly along Laguna Street to its intersection with Ortega Street; thence southwesterly along Ortega Street to its intersection with State Street; thence southeasterly along State Street to its intersection with East Cabrillo Boulevard; thence northeasterly along East Cabrillo Boulevard to its intersection with Santa Barbara Street; thence northwesterly along Santa Barbara Street to its intersection with the extension of Garden Street; thence northwesterly along the extension of Garden Street to U.S. Highway 101; thence returning southwesterly along Garden and Santa Barbara Streets to the intersection of Santa Barbara Street with East Cabrillo Boulevard; thence northeasterly along East Cabrillo Boulevard to its intersection with U.S. Highway 101; thence returning along Cabrillo Boulevard to its intersection with Castillo Street; thence northwesterly along Castillo Street to its intersection with U.S. Highway 101; thence returning southeasterly along Castillo Street to its intersection with Cabrillo Boulevard; thence returning northeasterly along West Cabrillo Boulevard to its intersection with Chapala Street; thence northwesterly along Chapala Street to its intersection with Carrillo Street; thence

southwesterly along Carrillo Street to its intersection with U.S. Highway 101; thence northeasterly along Carrillo Street to its intersection with Chapala Street; thence northwesterly along Chapala Street to its intersection with Sola Street; thence northeasterly along Sola Street to its intersection with State Street; thence northwesterly along State Street to its intersection with Mission Street; said intersection being the point of beginning.

## **Part II**

Beginning at the intersection of Los Olivos Street and Laguna Street; thence southwesterly along Los Olivos Street to its intersection with Garden Street; thence northwesterly along Garden Street to its intersection with the southerly prolongation of a line bearing N. 03°16'40"W. as shown in Assessor's Map Book 51, page 15, County of Santa Barbara, dated 1960; thence northerly along said line to its intersection with a line bearing N.29°11'W.; thence northwesterly along said line to its intersection with the boundary line of the City of Santa Barbara; thence beginning northeasterly and continuing along said boundary line to its intersection with the northerly prolongation of Mission Ridge Road; thence southerly and westerly along Mission Ridge Road to a line bearing N.03°W., said line being the westerly line of Mission Ridge Road and the easterly boundary line of Parcel 19-071-10 shown in Assessor's Map Book 19, page 07, County of Santa Barbara, dated 9/73; thence along a straight line southwesterly to the intersection of Plaza Rubio and Emerson Avenue; thence southwesterly along Plaza Rubio to its intersection with Laguna Street; thence northeasterly along Laguna Street to its intersection with Los Olivos Street, said intersection being the point of beginning.

The El Pueblo Viejo Landmark District shall include all properties located within the area described in this section, and all properties fronting on either side of any street or line forming the boundary of such area; except that the following areas shall be excluded:

1. Stearns Wharf;
2. areas located within the Brinkerhoff Avenue Landmark District; and
3. that area south of West Cabrillo Boulevard and to the west of a point one-hundred-and-fifty (150) feet east of an imaginary extension of Bath Street at its same course. (Ord. 4729, 1991; Ord. 4237, 1983; Ord. 4177, 1982; Ord. 4175, 1982; Ord. 3900 §1, 1977; Ord. 3888, 1977.)

### **22.22.102 Map.**

The areas described in Section 22.22.100 are shown on the map(s) labeled "El Pueblo Viejo Landmark District". All notations, references and other information shown on said map(s) are incorporated by reference herein and made a part hereof. In the event of variance between the map and the written description contained in Section 22.22.100, the written description shall prevail. (Ord. 4175, 1982; Ord. 3900 §1, 1977.)

### **22.22.104 Required Architectural Styles.**

#### **A. ALTERATIONS TO STRUCTURES WITHIN EL PUEBLO VIEJO.**

1. Generally. Any structure hereafter constructed or altered as to its exterior appearance and located within El Pueblo Viejo Landmark District shall, as to its exterior architecture, be compatible with the Hispanic tradition as it has developed in the City of Santa Barbara from the later 18th century to the present, with emphasis on the early 19th century "California Adobe" and "Monterey Revival" styles, and the "Spanish Colonial Revival" style of the period from 1915 to 1930. Examples of these styles are:

- a. Hill-Carrillo Adobe ("California Adobe").
- b. De la Guerra Adobe ("California Adobe").
- c. Covarrubias Adobe ("California Adobe").
- d. Mihran Studios ("Monterey Revival").

- e. Arlington Theatre ("Spanish Colonial Revival").
- f. Santa Barbara County Courthouse ("Spanish Colonial Revival").
- g. El Paseo ("Spanish Colonial Revival").
- h. Lobero Theatre ("Spanish Colonial Revival").

2. Alterations Within El Pueblo Viejo. Notwithstanding subsection (A)(1) hereof, alterations to existing structures within the El Pueblo Viejo Landmark District may also be permitted by the Commission under the following circumstances:

a. The Commission determines that the owner of the existing structure is proposing alterations or additions to the structure that match the original architectural style and such alterations or additions do not significantly alter the structure; and

b. The Commission determines that the alteration or addition would be more compatible with the existing structure by matching and maintaining the existing architectural style which demonstrates outstanding attention to architectural design, detail, material, or craftsmanship.

B. LANDMARKS AND STRUCTURES OF MERIT. A designated Landmark or Structure of Merit not conforming to any of the architectural styles required in Sections 22.22.100(A.) and 22.22.104(A.) of this Chapter may be altered on the exterior for the purpose of restoration of its original appearance, or to substantially aid its preservation or enhancement, in its particular architectural style, with the prior written approval of the Commission or City Council under Section 22.22.170.

C. OUTDOOR LIGHTING. Any structure hereafter constructed or altered as to its exterior appearance and located within El Pueblo Viejo Landmark District shall comply with the applicable requirements of Chapter 22.75 as to its outdoor lighting, and with the City's Outdoor Lighting Design Guidelines. (Ord. 5333, 2004; Ord. 5035, 1997; Ord. 4848, 1994; Ord. 4729, 1991; Ord. 4175, 1982; Ord. 3900 §1, 1977.)

#### **22.22.110 Brinkerhoff Avenue Landmark District.**

A. PURPOSE. The purpose of the Brinkerhoff Avenue Landmark District is to preserve and enhance the historic and architectural character of the Brinkerhoff Avenue area of the City of Santa Barbara, which is a unique neighborhood of late 19th century and early 20th century structures. That purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures in conformance with their original, significant architectural qualities, in order to continue and perpetuate examples of this important era in Santa Barbara's history.

B. DESIGNATION. The following described area within the City of Santa Barbara is hereby designated as a landmark district and shall be known as "Brinkerhoff Avenue Landmark District":

Assessor's Parcel Nos. 37-122-09, 37-122-17, 37-123-12, 37-123-13, 37-162-01 through 37-162-12, 37-163-01, 37-163-02, 37-163-09 through 37-163-20, 37-203-02 and 37-203-03 as shown on pages 12 (3/72), 16 (3/70) and 20 (L/D) in Assessor's Map Book 37 for the County of Santa Barbara.

The Brinkerhoff Avenue Landmark District shall include all properties located within the above described area and those portions of streets fronting on those parcels as shown on the attached map labeled "Brinkerhoff Avenue Landmark District." (Ord. 4237, 1983; Ord. 4175, 1982; §22.22.110 as adopted by Ord. 3900 was renumbered to §22.22.102 by Ord. 4175, 1982; Ord. 3900, §1, 1977; Ord. 3888, 1977.)

#### **22.22.112 Map.**

The area described in Section 22.22.110 is shown on the map labeled "Brinkerhoff Avenue Landmark District." All notations, references and other information shown on said map are incorporated by reference herein and made a part hereof. (Ord. 4175, 1982.)



**22.22.114 Required Architectural Styles.**

A. **BRINKERHOFF ARCHITECTURAL STYLE.** Any structure hereafter constructed or altered as to its exterior appearance and located within Brinkerhoff Avenue Landmark District shall, as to its exterior architecture, be compatible with the late 19th century and early 20th century tradition as it developed in the Santa Barbara area, with emphasis on the "Italianate," "Eastlake," "Colonial Revival," and "Queen Anne" styles. Examples of these styles are:

1. Hernster House, 136 W. Cota Street ("Italianate")
2. Tallant House, 528 Brinkerhoff Avenue ("Eastlake" "Stick")
3. Ross House, 514 Brinkerhoff Avenue ("Queen Anne/Colonial Revival")
4. 501 Chapala Street ("Queen Anne")

B. **LANDMARKS AND STRUCTURES OF MERIT.** A designated landmark or structure of merit located within Brinkerhoff Avenue Landmark District and not conforming to any of the architectural styles required in Sections 22.22.110(A.) and 22.22.114(A.) of this chapter may be altered on the exterior for the purpose of restoration of its original appearance, or to substantially aid its preservation or enhancement, in its particular architectural style with the prior written approval of the Commission or City Council under Section 22.22.170. (Ord. 4848, 1994; Ord. 4729, 1991; Ord. 4175, 1982.)

**22.22.120 Riviera Campus Historic District.**

A. **PURPOSE.** The purpose of the Riviera Campus Historic District is to preserve and enhance the historic and architectural character of the Riviera Campus in the City of Santa Barbara, which is comprised of the historic campus of the Santa Barbara Normal School of Manual Arts and Home Economics, which later became the University of California at Santa Barbara. That purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures in conformance with their original, significant architectural qualities, in order to continue and perpetuate the preservation of this valued feature of the City's built environment.

B. **DESIGNATION.** The area within Specific Plan No. 7 (Riviera Campus) within the City of Santa Barbara is hereby designated as a historic district and shall be known as "Riviera Campus Historic District." The Riviera Campus Historic District shall include all properties located within the above-described area and those portions of streets fronting on those parcels as shown on the attached map labeled "Riviera Campus Historic District."

**C. REQUIRED ARCHITECTURAL STYLES.**

1. Any structure hereafter constructed or altered as to its exterior appearance and located within Riviera Campus Historic District shall, as to its exterior architecture, be compatible with the Spanish Colonial Revival and Spanish Eclectic architecture of the extant buildings on the Riviera Campus. Examples of these styles are:

- a. The Quadrangle Building, 2030 Alameda Padre Serra ("Spanish Eclectic")
- b. The Grand Stairway, 2030 Alameda Padre Serra ("Spanish Eclectic")
- c. Furse Hall, 2040 Alameda Padre Serra ("Spanish Colonial Revival")
- d. Ebbets Hall, 2020 Alameda Padre Serra ("Spanish Colonial Revival")

D. **LANDMARKS AND STRUCTURES OF MERIT.** A designated landmark or structure of merit located within Riviera Campus Historic District, and not conforming to any of the architectural styles required in Subsections A and C of this Section, may be altered on the exterior for the purpose of restoration of its original appearance, or to substantially aid its preservation or enhancement, in its particular architectural style with the prior written approval of the Commission or City Council under Section 22.22.170. (Ord. 5319, 2004.)

**22.22.130 El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District.**

A. APPROVAL FOR CONSTRUCTION, DEMOLITION, MOVING OR EXTERIOR ALTERATION. No structure or real property in El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark District shall be constructed, demolished, moved or altered on its exterior without the approval of the Commission or City Council upon appeal. Minor alterations specified in the Historic Landmarks Commission Rules and Procedures, adopted from time to time by resolution, may be allowed subject to the review of the Community Development Director or his/her representative.

B. PROCEDURE. Any application for an approval or permit to construct, demolish, move or alter the exterior of any structure or real property located within El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark District, together with plans, elevations and site plans therefore, shall be referred to the Commission for review. A permit shall not be issued without the prior written approval of the Commission or City Council upon appeal. Any change of the exterior color or the outdoor lighting of any structure shall be referred to the Commission for review. If a building permit is not required, there shall not be any exterior alteration or change of exterior color unless there has been a final written approval of the Commission, where required, or the City Council upon appeal. The Commission or City Council on appeal shall not approve issuance of such permit unless the plans conform to the provisions of this Chapter. Any application shall be considered and either approved or disapproved by the Commission at its next regularly scheduled meeting for which an agenda has not been finalized after completion of any required environmental assessment, but may be continued to the next regular meeting. In the absence of timely oral or written objection by the applicant, the Commission may continue consideration of an application to subsequent meetings. In the event an applicant objects to continuance by the Commission and if the Commission takes no action on the application, then the application shall be deemed approved.

C. SIGN PERMITS. Signs which have been approved by the Sign Committee or the Commission or City Council upon appeal and for which a valid permit has been issued by the City shall not require a permit or approval under this section. Applications for permits for signs to be erected or altered within El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District shall be considered by the Commission only upon an appeal filed pursuant to Section 22.70.050.I. (Ord. 5035, 1997; Ord. 4995, 1996; Ord. 4916, 1995; Ord. 4893, 1994; Ord. 4878, 1994; Ord. 4848, 1994; Ord. 4175, 1982; Ord. 4111, 1981; Ord. 4101, 1981; Ord. 4029, 1979; Ord. 3900, §1, 1977.)

**22.22.131 Neighborhood Preservation Ordinance Findings - Projects Reviewed by the Historic Landmarks Commission.**

If a project is referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code, the Historic Landmarks Commission shall, in addition to any review required pursuant to this Chapter 22.22, make the findings required for approval of the project as specified in Section 22.69.050 of this Code prior to approving the project. (Ord. 5416, 2007; Ord. 4995, 1996.)

**22.22.132 Historic Landmarks Commission Notice and Hearing.**

A. PROJECTS THAT REQUIRE PUBLIC HEARING. Historic Landmarks Commission review of the following projects must be preceded by a noticed public hearing:

1. New single residential units, residential duplexes, multiple residential units, mixed use (residential and non-residential) buildings, or nonresidential buildings,
2. The addition of over 500 square feet of net floor area to a single residential unit or residential duplex,
3. An addition of a new story or an addition to an existing second or higher story of a single residential unit or residential duplex,

4. The addition of over 500 square feet of net floor area or any change that will result in an additional residential unit to a multiple residential unit,
5. Small non-residential additions as defined in Section 28.87.300,
6. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint), or
7. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels.

B. MAILED NOTICE. Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the hearing to be sent by first class mail to the following persons: (1) the applicant and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Historic Landmarks Commission, (3) the location of the subject property, and (4) the nature of the application subject to design review.

C. ADDITIONAL NOTICING METHODS. In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the twenty (20) lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER. Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice for the first hearing before the Historic Landmarks Commission shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Historic Landmarks Commission to be published in a newspaper, or 2. mailed notice of hearings before the Historic Landmarks Commission after the first hearing conducted by the Historic Landmarks Commission, except as otherwise provided in the Historic Landmarks Commission Guidelines adopted by resolution of the City Council. (Ord. 5444, 2008; Ord. 5416, 2007; Ord. 5380, 2005; Ord. 4995, 1996.)

#### **22.22.133 Historic Landmarks Commission Referral of Residential Projects to Planning Commission.**

A. PLANNING COMMISSION COMMENTS. When the Historic Landmarks Commission determines that a residential development is proposed for a site which is highly visible to the public, the Historic Landmarks Commission may, prior to granting preliminary approval of the application, require presentation of the application to the Planning Commission solely for the purpose of obtaining comments from the Planning Commission regarding the application for use by the Historic Landmarks Commission in its deliberations.

B. PLANNING COMMISSION NOTICE AND HEARING. Prior to making any comments regarding an application pursuant to this Section, the Planning Commission shall hold a noticed public hearing. Notice of the hearing shall be provided in accordance with the requirements of Section 22.22.132. (Ord. 5444, 2008; Ord. 5380, 2005; Ord. 4995, 1996.)

**22.22.135 Application Fee.**

Applications submitted pursuant to Section 22.22.130 shall be accompanied by an application fee in the amount established by resolution of the City Council. (Ord. 3955 §7, 1978.)

**22.22.140 Publicly Owned Property.**

A. PUBLICLY OWNED BUILDINGS GENERALLY. Except as provided in Subsections (B) and (C) below, any structure, natural feature, site or area owned or leased by any public entity other than the City of Santa Barbara and designated as a Landmark or Structure of Merit, or located within any landmark district, shall not be subject to the provisions of Sections 22.22.070, 22.22.080, 22.22.104, 22.22.114, 22.22.130, and 22.22.170 of this Chapter.

B. EXCEPTION FOR CITY FACILITIES. The alteration, construction or relocation of any structure, natural feature, site or area owned or leased by the City and designated as a Landmark or Structure of Merit, or located within any landmark district, shall be reviewed by the Commission unless the City Council deems that said review would not be in the public interest.

C. EXCEPTION FOR IMPROVEMENTS WITHIN THE HIGHWAY 101 SANTA BARBARA COASTAL PARKWAY DESIGN DISTRICT. The alteration, construction or relocation of any structure, natural feature, site or area owned or leased by a public entity within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Municipal Code Section 22.68.060, which requires a Coastal Development Permit pursuant to Municipal Code Chapter 28.44 and which is designated as a Landmark or Structure of Merit, or which is located within any landmark district shall be reviewed by the Commission. (Ord. 5416, 2007; Ord. 5333, 2004; Ord. 4940, 1996; Ord. 4848, 1994; Ord. 4175, 1982; Ord. 3900 §1, 1977.)

**22.22.150 Preservation Easements.**

Easements restricting the use, alteration, relocation or demolition for the purpose of preservation of the facades or any other portions of designated landmarks or structures of merit may be acquired by the City through gift, devise or purchase. (Ord. 3900 §1, 1977.)

**22.22.170 Appeal from Commission to City Council.**

A. APPEAL FROM COMMISSION TO THE CITY COUNCIL. A final decision of the Commission made pursuant to Section 22.22.035, Section 22.22.030(D), Section 22.22.037, Section 22.22.050(D), Section 22.22.080(D), Section 22.22.085, Section 22.22.130, or Section 22.22.132 may be appealed to the City Council by any interested person pursuant to the appeal procedures established by Santa Barbara Municipal Code Chapter 1.30. In deciding such an appeal, the City Council shall make those findings required of the Commission with respect to a Commission determination made pursuant to this Chapter.

B. NOTICE OF APPEAL. In addition to the procedures specified in Chapter 1.30, notice of the public hearing before the City Council on an appeal from a decision of the Commission made pursuant to Subsection A above shall be provided in the same manner as notice was provided for the hearing before the Commission.

C. FEE FOR APPEAL. At the time of filing an appeal, the appellant shall pay a fee in the amount established by resolution of the City Council. (Ord. 5380, 2005; Ord. 5333, 2004; Ord. 4995, 1996; Ord. 4848, 1994; Ord. 3955 §8, 1978; Ord. 3900 §1, 1977.)

**22.22.180 Expiration of Approval.**

A. TWO-YEAR EXPIRATION. A final approval by the Commission, as defined in the Historic Landmarks Commission Guidelines, shall expire by limitation and become null and void if a building

permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Commission or the City Council, on appeal.

B. COMMUNITY DEVELOPMENT DIRECTOR EXTENSION. Upon a written request from the applicant prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.22, the Historic Landmarks Commission Guidelines, and applicable City ordinances, resolutions and other laws.

C. EXTENSIONS BY THE HISTORIC LANDMARKS COMMISSION. In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant prior to the expiration of the approval, the Commission may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Commission upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.22, the Historic Landmarks Commission Guidelines, and applicable City ordinances, resolutions and other laws.

(Ord. 5444, 2008.)

***\*Note: This is an excerpt of the Historic Structures Ordinance. Study Area and District Maps are not included in this handout. Please refer to the Zoning Ordinance for a copy of the maps.***